

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN RE:

STANLEY M. FERENC,
DYNAH N. DUNCAN-WHITE,

CHAPTER 13
CASE NO. 19-40109-PJS
JUDGE PHILLIP J. SHEFFERLY

DEBTORS.
_____ /

**TRUSTEE’S OBJECTION TO THE PROOF OF CLAIM
FILED BY LVNV FUNDING, LLC (PACER CLAIM NO. 14-1)**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to the Proof of Claim filed by LVNV Funding, LLC (PACER Claim No. 14-1), and in support thereof states as follows:

1. Based on the documentation attached to the Proof of Claim, enforcement of the underlying claim is barred by the applicable Statute of Limitations. Accordingly, the Proof of Claim must be disallowed pursuant to 11 USC Section 502(b)(1).

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court disallow the Proof of Claim filed by LVNV Funding, LLC (PACER Claim No. 14-1) on March 11, 2019 in its entirety, and grant any further and other relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made to LVNV Funding, LLC.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: March 27, 2019

By: /s/ Thomas D. DeCarlo
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee
1100 Travelers Tower, 26555 Evergreen Road
Southfield, MI 48076-4251

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

STANLEY M. FERENC,
DYNAH N. DUNCAN-WHITE,

CHAPTER 13
CASE NO. 19-40109-PJS
JUDGE PHILLIP J. SHEFFERLY

DEBTORS.
_____ /

(PROPOSED)
**ORDER SUSTAINING TRUSTEE'S OBJECTION TO PROOF OF CLAIM
FILED BY LVNV FUNDING, LLC (PACER CLAIM NO. 14-1)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee pursuant to Local Bankruptcy Rule 3007-1, the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises

IT IS HEREBY ORDERED that the Trustee's Objection to Proof of Claim filed by LVNV Funding, LLC (PACER Claim No. 14-1) is SUSTAINED. The Proof of Claim filed by LVNV Funding, LLC (PACER Claim No. 14-1) is disallowed.

IT IS HEREBY FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

STANLEY M. FERENC,
DYNAH N. DUNCAN-WHITE,

DEBTORS.

CHAPTER 13 Proceeding
CASE NO. 19-40109-PJS
JUDGE PHILLIP J. SHEFFERLY

AKA or DBA (if any):
Dynah N. Sufalko

Address(es):
2640 Raymond Drive
Dearborn, MI 48124-0000

2640 Raymond Drive
Dearborn, MI 48124-0000

Social Security Number(s):
XXX-XX-6692 XXX-XX-1092

Employer's Tax Identification (EIN) No(s). (if any):

NOTICE OF OBJECTION TO CLAIM FILED BY LVNV FUNDING, LLC (PACER CLAIM NO. 14-1)

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before May 14, 2019, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Babut Law Offices PLLC, 700 Towner Street, Ypsilanti, MI 48198-0000
David Wm. Ruskin, 26555 Evergreen Rd., Ste 1100, Southfield, MI 48076
LVNV FUNDING, LLC, RESURGENT CAPITAL SERVICES, PO BOX 10587, GREENVILLE, SC
29603-0587

2. Attend the hearing on the objection, scheduled to be held on May 21, 2019 at 9:00 a.m., in Courtroom 1975, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: March 27, 2019

By: /s/ Thomas D. DeCarlo
DAVID WM. RUSKIN
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee, David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

STANLEY M. FERENC,
DYNAH N. DUNCAN-WHITE,
DEBTORS.

CHAPTER 13
CASE NO. 19-40109-PJS
JUDGE PHILLIP J. SHEFFERLY

**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO THE PROOF OF CLAIM
FILED BY LVNV FUNDING, LLC (PACER CLAIM NO. 14-1)**

I hereby certify that on March 27, 2019, I electronically filed the Trustee's Objection to the Proof of Claim filed by LVNV Funding, LLC (PACER Claim No. 14-1) With (Proposed) Order Sustaining Trustee's Objection To Proof of Claim filed by LVNV Funding, LLC (PACER Claim No. 14-1), Notice of Objection to Claim filed by LVNV Funding, LLC (PACER Claim No. 14-1) and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

BABUT LAW OFFICES PLLC
700 TOWNER STREET
YPSILANTI, MI 48198-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

STANLEY M. FERENC
DYNAH N. DUNCAN-WHITE
2640 RAYMOND DRIVE
DEARBORN, MI 48124-0000

LVNV FUNDING, LLC
RESURGENT CAPITAL SERVICES,
PO BOX 10587,
GREENVILLE, SC 29603-0587

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755